IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 3224 of 2006

DR. GOPAL LADHA
V/S
STATE &ORS.

Mr. M.S. SINGHVI, Mr. RAJAT DAVE, for the appellant / petitioner

Mrs. RR KANWAR, AGA, for the respondent

Date of Order : 9.3.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

The matter comes up for consideration of stay.

Heard learned counsel for the parties.

It is contended that the order Annex.11 has been passed without giving opportunity of hearing, and that according to Section 20, the order is required to be passed suspending for a specified period of time, which has not been done in Annex.11. To this, learned counsel for the respondent submits that notice was given being Annex.6 and then reminder was given being Annex.7, to which a reply was filed being Annex.8, and thereafter the order has been passed. Thus, the principles of natural justice have been complied with.

To this, learned counsel for the petitioner submits that the authority passing the order Annex.11 is the Chief Medical and Health Officer, Banswara, while the

Annex.6 and 7 are issued by the Principal Medical Officer, and thus, the two are different authorities, therefore, it cannot be said that the principles of natural justice had been complied with.

In my view, on the short point, the writ petition is required to be allowed. The same is, therefore, allowed. The order Annex.11 is set aside, and the respondent No.2 is directed to hear the petitioner afresh on the allegations mentioned in Annex.11, and thereafter pass a fresh order in accordance with law. If the respondent No.2 wants to hear the petitioner on other matters also, it is always open to the respondent No.2 to give a fresh notice. After hearing the petitioner, the respondent No.2 may pass appropriate order as is conducive to be passed in accordance with the law dispassionately, objectively and in any manner without being prejudiced by filation of this writ petition.

(N P GUPTA),J.

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